



THE GEORGE  
WASHINGTON  
UNIVERSITY

WASHINGTON DC

THE PRESIDENT

TO: Lilien F. Robinson, Chair (2005-06)

FROM: Stephen Joel Trachtenberg

SUBJECT: Faculty Senate Resolutions: 05/3 - 05/8

DATE: August 21, 2006

Lilien: I am in receipt of your May 8 memorandum providing a tabulation of resolutions acted upon by the Faculty Senate during its 2005-06 session. As you requested, I am pleased to attach the response of the Administration to these resolutions for inclusion in the Faculty Senate Annual Report.



SJT/h  
cc+: Don Lehman

# RESOLUTIONS 2005-06 SESSION

Resolution Number	Date of Meeting	Title of Resolution	Action	Response of Administration
05/3	12/9/05	A Resolution to Endorse The George Washington University Statement of Ethical Principles	Adopted, with the Statement of Ethical Principles (Exhibit A) as amended	Accepted as amended
05/4	12/9/05	A Resolution to Endorse Technical Amendments to the Disclosure Forms for Faculty Members and Investigators under The George Washington University Policy on Conflicts of Interest and Commitment	Adopted	Agreed
05/5	1/20/06	A Resolution on Procedure With Respect to Deliberation and Decision on the 4 x 4 Curriculum	Adopted	Agreed
* 05/6	3/10/06	A Resolution on Establishing Criteria for Appointments, Reappointments and Promotion of Regular, Active Status Faculty Serving in Non-Tenure-Accruing Appointments	Adopted, as amended	To be brought before the Board of Trustees for approval at the October 2006 meeting <i>Approved 10-13-2006</i>

\* Code amendment



# RESOLUTIONS 2005-06 SESSION

Resolution Number	Date of Meeting	Title of Resolution	Action	Response of Administration
05/7	4/14/06	A Resolution on Library Endowment Funds	Adopted, as amended	This needs further study; the Administration will be glad to elaborate in the coming year Agreed
05/8	4/14/06	A Resolution Regarding the University Budget for FY 07	Adopted	

See Resolution 06/6

56  
RESOLUTIONS 2004-05 SESSION

Resolution Number	Date of Meeting	Title of Resolution	Action	Response of Administration
05/1	05/13/05	A Resolution to Endorse the Sexual Harassment Policy and Procedures of The George Washington University	Adopted	Final due diligence underway by counsel; implementation expected by September 2005
05/2	05/13/05	A Resolution on Faculty and Staff Compensation Increases and Compensation Policy	Adopted	1(1)-We believe that the initiative of the Administration this year is directed toward attaining the objectives articulated in Resolution #1; comparative data derived from the AAUP is available on an annual basis and shared with the Faculty Senate
05/3	12/9/05	Resolution to <del>ADOPT</del> Endorse The GWU Statement of Ethical Principles	Adopted w/ statement as amended	1(2)-The Administration has indicated its goal of providing periodic merit-based raises on an annual basis going forward and further indicated that on a contingent basis is working toward a 4% raise in the year to come
05/4	12/9/05	Tech Am. to C.O.I.	Adopted 12/9/05	2-Asked and answered (see Resolution 04/7)
05/5	1/20/06	A Resolution on Procedure with Respect to Deliberations and decision on the 4x4 Curriculum	Adopted 1/20/06	3-Previously asked and answered
05/6	3/10/06	Res. on Estab. Criteria for Appts, Reapp. & Promotion of RAS Fac in NTA	Adopted as amended 3/10/06 NOTE - FINAL COPY w/ MINS OF 4/14/06	4-See response to #1 above 5-Accepted in part and declined in part

## **SUBSTITUTE RESOLUTION 05/1**

### **A RESOLUTION TO ENDORSE THE SEXUAL HARASSMENT POLICY AND PROCEDURES OF THE GEORGE WASHINGTON UNIVERSITY (05/1)**

**WHEREAS**, in Resolution 04/3, adopted on November 12, 2004, the Faculty Senate endorsed the reinstatement of the Interim Policy and Procedures Governing Sexual Harassment Complaints, as originally adopted by the Faculty Senate in Resolution 98/5, with certain further amendments; and

**WHEREAS**, Resolution 04/3 also provided that (i) the Faculty Senate and the University Administration would create a joint ad hoc committee charged with the mission of preparing a proposed new policy and procedures governing sexual harassment complaints; and (ii) the ad hoc committee's proposed new policy and procedures would be reported to the Faculty Senate's Committee on Professional Ethics and Academic Freedom ("PEAF Committee") for its expeditious review and, following such review, would be referred to the Faculty Senate with the PEAF Committee's comments and recommendations; and

**WHEREAS**, in accordance with Resolution 04/3, the Faculty Senate and the University Administration created an ad hoc University Committee on Sexual Harassment Policy (the "Ad Hoc University Committee"), and, on April 19, 2005, the Ad Hoc University Committee unanimously proposed a document entitled "Sexual Harassment Policy and Procedures" for adoption by the University (the "Ad Hoc Committee Proposal"); and

**WHEREAS**, at its most recent meeting in February 2005, the University's Board of Trustees requested that the Faculty Senate endorse, if possible, a new policy and procedures governing sexual harassment complaints for consideration by the Board of Trustees during its meeting on May 19-20, 2005; and

**WHEREAS**, the PEAF Committee has reviewed the Ad Hoc Committee Proposal and recommends certain clarifying amendments as indicated on the marked copy of the document attached hereto: and

**WHEREAS**, after reviewing the Ad Hoc Committee Proposal, the Faculty Senate has determined that the proposed new Sexual Harassment Policy and Procedures satisfy the following important objectives: (i) prohibiting sexual harassment by any student, staff member, faculty member, or other person in the University community, (ii) encouraging reporting of sexual harassment before it becomes severe or pervasive, (iii) identifying persons in the University Administration to whom incidents of sexual harassment may be reported, (iv) prohibiting retaliation against persons who bring sexual harassment complaints, (v) assuring confidentiality to the full extent consistent with the need to resolve complaints of sexual harassment appropriately and fairly, (vi) assuring that allegations of sexual harassment will be promptly, thoroughly and impartially addressed

with appropriate regard for the interests of the persons involved and principles of fairness and due process, and (vii) providing for appropriate corrective action to be taken against persons who have engaged in sexual harassment;

**NOW, THEREFORE, BE IT RESOLVED BY THE FACULTY SENATE  
OF THE GEORGE WASHINGTON UNIVERSITY:**

That the Faculty Senate hereby endorses, for adoption by the University, the "Sexual Harassment Policy and Procedures" as unanimously proposed by the University Committee on Sexual Harassment Policy on April 19, 2005, with the additional clarifying amendments shown on the marked copy of the proposed document attached to this Resolution.

Faculty Senate Committee on Professional Ethics and Academic Freedom  
May 10, 2005

Adopted, with the underlying Policy as amended, May 13, 2005

PEAF Committee Comments 5/10/05

## SEXUAL HARASSMENT POLICY AND PROCEDURES

As unanimously adopted by the University Committee on Sexual Harassment Policy on  
April 19, 2005

### First principles of this policy

The George Washington University is committed to maintaining a positive climate for study and work, in which individuals are judged solely on relevant factors, such as ability and performance, and can pursue their activities in an atmosphere that is free from coercion and intimidation. The University mission statement provides that the University "values a dynamic, student-focused community stimulated by cultural and intellectual diversity and built upon a foundation of integrity, creativity, and openness to exploration of new ideas." The University is committed to free inquiry, free expression, and the vigorous discussion and debate on which advancement of its mission depends. Sexual harassment is destructive of such a climate and will not be tolerated in the University community.

### Objectives

This policy and these procedures aim to inform members of the University community what sexual harassment is and what they can do should they encounter or observe it. The University prohibits sexual harassment by any student, staff member, faculty member, and others in the University community; encourages reporting of sexual harassment before it becomes severe or pervasive; identifies accessible persons to whom sexual harassment may be reported; prohibits retaliation against persons who bring sexual harassment complaints; assures confidentiality to the full extent consistent with the need to resolve the matter appropriately; assures that allegations will be promptly, thoroughly, and impartially addressed; and provides for appropriate corrective action.

The ultimate goal is to prevent sexual harassment, through education and the continuing development of a sense of community. But if sexual harassment occurs, the University will respond firmly and fairly. As befits an academic community, the University's approach is to consider problems within an informal framework when appropriate, but to make formal procedures available for use when necessary.

### What sexual harassment is

The University has adopted the following definition of sexual harassment, substantially derived from Equal Employment Opportunity Commission and Department of Education statements:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is explicitly or implicitly made a term or condition of academic participation or activity, educational advancement, or employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions that affect the individual; (3) such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or limiting participation in University programs; or (4) the intent or effect of such conduct is to create an intimidating, hostile, or offensive academic or work environment. Sexual harassment may occur without regard to either party's gender.

This policy addresses only sexual harassment and does not deal with other forms of gender discrimination. For other University policies dealing with gender discrimination, consult The George Washington University Office of Equal Employment Opportunity.

Nothing in this policy limits academic freedom, guaranteed by the Faculty Code, which is a pre-eminent value of the University. This policy shall not be interpreted to abridge academic freedom. Accordingly, in an academic setting expression that is reasonably designed or reasonably intended to contribute to academic inquiry, education or debate on issues of public concern shall not be construed as sexual harassment.

A person who commits sexual harassment in violation of this policy will be subject to disciplinary action, up to and including expulsion or termination.

### Prevention; dissemination of information

The University is committed to preventing and remedying sexual harassment of students, faculty, and staff. To that end, this policy and these procedures will be disseminated in the University community. In addition, the University will sponsor programs to inform students, faculty, and staff about sexual harassment and the problems it causes; advise members of the University community of their rights and responsibilities under this policy and these procedures; and train personnel responsible for the administration of the policy and procedures. In particular, the University shall assure that the Sexual Harassment Response

Deleted: in

Coordinator (in the Office of the Vice President and General Counsel) who is designated by the University to conduct the consultation and the administrative review processes described below and other personnel involved in responding to allegations of sexual harassment receive formal training by one or more individuals with appropriate expertise.

#### Consensual relationships

Relationships that are welcomed by the parties do not entail sexual harassment, and are beyond the scope of this policy. Whether a relationship is in fact welcomed will be gauged according to the circumstances; special risks are involved when one party -- whether a faculty member, staff member or student -- is in a position to evaluate or exercise authority over the other. It is inappropriate for a faculty member or teaching assistant to have sexual relationships with a student who is currently in his/her course or is subject to his/her supervision or evaluation. It is similarly inappropriate for someone in a supervisory position to have a sexual relationship with an individual in a subordinate position. Even when both parties previously consented to a sexual relationship, a charge of sexual harassment may be based on subsequent conduct that one of them does not welcome. Members of the University community are cautioned that consensual relationships can in some circumstances entail abuse of authority, conflict of interest, or other adverse consequences that may be addressed in accordance with pertinent University policy and practice.

#### What to do

Three possible levels of procedural redress are available to members of the University community who believe that sexual harassment has occurred -- consultation, administrative review, and formal hearing. Often, concerns can be resolved through consultation or after administrative review. If the matter is not satisfactorily resolved through the consultation or administrative review procedure, a formal hearing may be initiated.

#### Consultation

A member of the University community who is uncomfortable with one or more instances of conduct of a sexual nature that may be inappropriate (even if the person is unsure whether the conduct constitutes sexual harassment), may discuss the matter with the person who has engaged in the behavior or with his or her department chair, dean or staff supervisor; the Associate Vice President and Dean of Students; the Director of the Office of Equal Employment Activities; the Assistant Vice President for Faculty Recruitment and Personnel Relations; or the Sexual Harassment Response Coordinator ("Coordinator") who shall be consulted when appropriate by any of the foregoing persons. Any of the foregoing University officials who receives a report of possible sexual harassment shall advise the reporting person of the availability of consultation with the Coordinator, and shall provide a written account of the report to the Coordinator.

(See "Confidentiality" paragraph below.) In response to a request for consultation, the Coordinator will provide a copy of the sexual harassment policy and procedures, respond to questions about them, assist in developing strategies to deal with the matter, and work in accordance with the procedure set forth in Appendix A.

Deleted: ¶  
¶

#### Administrative review

An administrative review, which is initiated in the same manner as a consultation, entails an investigation by the Coordinator of the charges in accordance with Appendix B.

#### Formal hearing procedure

The formal hearing procedure is available when the administrative review procedure fails to resolve satisfactorily the allegation of sexual harassment. The person who made the allegation of sexual harassment (the "Complainant") or a responsible University official may initiate a formal hearing against the person who allegedly engaged in sexual harassment (the "Respondent").

A formal hearing is initiated by the Complainant or a responsible University official by written request submitted to the Associate Vice President for Human Resources or his/her designee ("AVPHR"). The request to proceed with a formal hearing is due within 30 days after receipt of information from the responsible University official of the disposition of the administrative review procedure. The AVPHR will inform the requesting party of the process that will be followed and provide a copy of the applicable procedure.

The Code of Student Conduct will govern the formal hearing procedure when both parties are students. The applicable staff grievance procedures will govern the formal hearing procedure when both parties are staff members. The formal hearing will be held in accordance with the Formal Hearing Procedures set forth in Appendix C, when:

- (a) the Complainant is a student and the Respondent a faculty or staff member;
- (b) the Complainant is a faculty member and the Respondent a staff member or student;
- (c) the Complainant is a staff member and the Respondent a faculty member or student; or
- (d) the Complainant and Respondent are faculty members.

#### Outcomes



If the administrative review procedure or formal hearing procedure results in a determination that sexual harassment occurred, the findings and recommendations shall be referred to the appropriate University official for imposition of corrective action, including sanctions that the official is authorized to impose; provided, however, that no final sanction except for a written reprimand may be imposed based on an administrative review without the Respondent's written consent. A range of relevant considerations should be taken into account in determining the extent of sanctions, such as the severity of the offense, the effect of the offense on the victim and on the University community, and the Respondent's record of past offenses, if any. Sanctions may include, but are not limited to, a written reprimand, suspension, expulsion, or termination of employment; provided that a tenured faculty member may not be dismissed except in accordance with the procedures set forth in Section F of the Procedures for the Implementation of the Faculty Code. The University may impose interim corrective action at any time, if doing so reasonably appears required to protect a member of the University community.

**Deleted:** the consequences of the sanction to the Respondent,

**Deleted:** , Section F

#### Redress of disciplinary action

Nothing in this policy or these procedures shall be deemed to revoke any right that any member of the University community may have to seek redress of a disciplinary action, such as a faculty member's right to maintain a grievance under the Faculty Code.

#### Confidentiality

The Coordinator and other investigators and decision-makers will strive to maintain confidentiality to the full extent appropriate, consistent with the need to resolve the matter effectively and fairly. The parties, persons interviewed in the investigation, persons notified of the investigation, and persons involved in the proceedings will be advised of the need for discretion and confidentiality. Inappropriate breaches of confidentiality may result in disciplinary action.

The identity of the Complainant need not be disclosed to the Respondent at the initial consultation or at the administrative review stages, but such disclosure will be necessary at the formal hearing stage. University officials initially consulted by the Complainant, including the Coordinator, and other investigators and decision-makers may, at the Complainant's request, agree to keep the Complainant's identity confidential and such agreement will be binding throughout the consultation and administrative review stages. The Complainant whose identity has not been released earlier will be required to permit release of such information to the Respondent in order to initiate the formal hearing procedure.

#### Retaliation

Retaliation against a person who reports or complains of sexual harassment or who provides information in a sexual harassment investigation or proceeding is prohibited. Alleged retaliation will be subject to investigation and may result in disciplinary action up to and including termination or expulsion.

#### False claims

A person who knowingly makes false allegations of sexual harassment, or who knowingly provides false information in a sexual harassment investigation or proceeding, will be subject to disciplinary action.

#### Time limits

The University aims to administer this policy and these procedures in an equitable and timely manner. Established time limits may be extended for good cause, upon request. Persons making allegations of sexual harassment are encouraged to come forward without undue delay.

#### Interpretation of policy

The Office of the Vice President and General Counsel is available to provide advice on questions regarding interpretation of this policy and these procedures.

#### Appendix A: Consultation Procedure

1. The consultation consists of one or more meetings between the Coordinator and the person who requests the consultation based on one or more instances of a sexual nature that may be inappropriate.
2. The Coordinator will provide a copy of the sexual harassment policy and procedures and respond to questions about them. The Coordinator may address and clarify the matter with the person, assist in developing strategies to deal with the matter, recommend counseling or other assistance, determine that no further action is necessary, or initiate the administrative review procedure under Appendix B.
3. The Coordinator will prepare a record of the consultation, which will be maintained by the Office of the Vice President and General Counsel. The record will be considered confidential to the full extent consistent with fairness and the University's need to take preventive and corrective action (see also "Confidentiality" above). If the record of the consultation includes an allegation of sexual harassment against a person named in the record, the record will not be disclosed to any person outside the office of Vice President and General Counsel, unless the person so named is notified in writing, and absent compelling reasons to the contrary, the notification will precede the disclosure.
4. When the Coordinator has reason to believe that criminal conduct may have occurred or that action is necessary to protect the health or safety of any individual, the University may, as the Office of the Vice President and General Counsel determines, refer the matter to appropriate authorities.
5. Although consultation may be requested and an administrative review procedure pursued within any reasonable time after the events giving rise to the consultation or administrative review procedure, persons who believe they have been subjected to or who otherwise have observed sexual harassment are encouraged to seek assistance from the University through these procedures promptly.

Deleted: .

## Appendix B: Administrative Review

1. Following consultation, a person who alleges sexual harassment (the "Complainant") has the right to pursue an administrative review procedure if not satisfied with the results of the consultation.
2. The Coordinator will ask the Complainant to provide a factual account of the alleged harassment. The Coordinator may assist the Complainant to prepare a signed statement. If the Complainant declines to provide a signed statement, the Coordinator will prepare a written summary of the Complainant's oral allegations (see "Confidentiality" above).
3. The Coordinator will inform the Respondent of the allegations in sufficient detail to permit an informed response, including providing the Respondent with a written summary of the material allegations.
4. The Coordinator will investigate the alleged harassment as promptly as circumstances permit, will afford the Respondent a reasonable opportunity to respond to the allegation, and will advise the parties and persons interviewed or notified about the alleged harassment of the need for discretion and confidentiality.
5. Upon initiating an investigation, the Coordinator may inform the University officials who would be charged with recommending corrective and disciplinary action ("responsible University officials") of the administrative review procedure.
6. Upon concluding the investigation, the Coordinator will report his or her findings on the matter to the responsible University official. The Coordinator will make every effort to resolve the matter informally among the parties, subject to the approval of the responsible University official. The informal resolution of the matter may include corrective or disciplinary action; provided, however, that no final corrective action except for a written reprimand may be taken based on an administrative review procedure without the Respondent's written consent. Any such corrective or disciplinary action shall be imposed by the responsible University official and be within his or her discretion and consistent with his or her authority. The University may take interim corrective action at any time if doing so reasonably appears to be required to protect a member of the University community.

7. If the Coordinator is unable to resolve the matter informally, the responsible University official shall determine, based on the report obtained from the Coordinator, whether or not to recommend the imposition of one or more final sanctions against the Respondent. If the recommended disposition involves a final sanction other than a written reprimand, and if the Respondent does not give written consent to the imposition of such sanction, the responsible University official shall determine whether to initiate a formal hearing against the Respondent.
8. A responsible official will notify the parties in writing of the disposition of the administrative review procedure; provided, that the official may omit from the notice portions of the foregoing information that the University is required by law to treat as confidential. (See "Confidentiality" above for restrictions on disclosure of information.)
9. If dissatisfied with the disposition of the administrative review procedure, the Complainant may initiate the formal hearing procedure.
10. If dissatisfied with the disposition of the administrative review procedure, the Respondent may pursue applicable grievance procedures.

## Appendix C: Formal Hearing Procedure -- Special Panels

### A. Initiation of special panel procedure

1. The Complainant or a responsible University official must file a written request with the Associate Vice President for Human Resources or his/her designee ("AVPHR") in order to initiate a formal hearing. The request must be filed within 30 days after receipt of information from a responsible University official of the disposition of the administrative review (See Appendix B). The written request for a formal hearing (the "complaint") must include a description of the material facts related to the alleged sexual harassment, must state why the disposition of the matter should be modified or overturned, and may include a statement of the relief requested.
2. The AVPHR will send a copy of the complaint, including the name of the person alleged to have been sexually harassed, to the responding party.
3. An aim of the special panel process is to complete, if feasible, the formal complaint procedure within 45 business days of the AVPHR's receipt of the formal complaint request.

### B. Establishment of special panels

1. A complaint filed under Appendix C will be heard by a six-member panel selected by lot by the AVPHR as described in Section C. Panelists will be selected from a pool of 18, six of whom are faculty members appointed by the Executive Vice President for Academic Affairs, with the concurrence of the Council of Deans and the Faculty Senate Executive Committee. If the concurrence does not occur within 30 days, the Executive Vice President for Academic Affairs ~~shall select the faculty panel members and the Council of Deans shall select three of the faculty panel members and the Faculty Senate Executive Committee shall select the remaining three faculty panel members.~~ Six members of the pool shall be staff employees appointed by the AVPHR; and six members of the pool shall be students appointed by the Associate Vice President and Dean of Students.
2. Each appointee to the pool ordinarily will serve a two year term. The appointing official should stagger the appointments so that, if feasible, the terms of not more than five of his or her appointees expire in any year.

Formatted: Space After: 0 pt

Formatted: Strikethrough

3. An appointee to the pool may be removed and replaced at any time, at the discretion of the appointing official. The appointing official should promptly fill vacancies in the pool according to the procedure in Section B.1 above.
4. The AVPHR will conduct mandatory training of all appointees to the pool at the time of appointment and periodically thereafter. No pool member shall receive such training while serving on a special panel. Training will address roles and responsibilities of panel members, hearing procedures, applicable policies, and other techniques and standards pertinent to the complaint and hearing process.

C. Selection of panel

1. Within five business days after receiving the written request to proceed with a formal complaint (see A.1, above), the AVPHR will select by lot the six-member panel from the pool. Two of the panel members will be drawn from the same status group as the Respondent; two panel members will be drawn from the same status group as the Complainant; and two panel members will be drawn from among the pool members in the remaining status group(s). No member of a faculty member's department or of a staff member's administrative department may serve on the special panel.
2. The AVPHR will notify the parties of the panelists' names. Within three business days of receipt of the notice, either party may submit to the AVPHR a written objection to designation of any panel member. The objection must clearly state the reasons for the objection. The AVPHR may, at his or her discretion, replace a challenged panelist with another member of the pool from the same status group.
3. A designated panelist who at any time has or may reasonably be perceived as having a conflict of interest or is otherwise unable to serve on a special panel shall recuse himself or herself, and notify the AVPHR of the recusal. For sound reasons, which shall be disclosed to the parties and panel members, the AVPHR, in his or her discretion, may replace a panel member. The successor panel member shall be selected by lot by the AVPHR from among pool members of the recused or replaced panel member's status group.

D. Special panel organization

1. Within five business days after their appointment, special panel members will select a chairperson and review the request for a hearing.

2. The special panel may request clarification or additional information from the AVPHR or the parties. Panel members may not communicate with either party outside the presence of the other party. The special panel shall provide both parties with copies of all written communications sent to either party.

E. Scheduling hearing

1. The special panel will set a hearing date and time. The panelists will meet within a reasonable time, normally within five business days after their appointment, to select a chairperson and set the hearing date and time. The hearing will be held within a reasonable time, normally within 20 business days after the special panel is appointed.
2. The special panel chairperson will notify the parties of the hearing date, time, and location at least ten business days before the hearing. Within two business days after receiving notice of the hearing, a party with a scheduling conflict may submit to the chairperson a request for postponement. The chairperson, after consulting the special panel members, has discretion to reschedule the hearing. All parties will be notified as soon as feasible if the hearing is rescheduled.
3. If a party does not appear for the hearing within 30 minutes after the scheduled time, the special panel will decide whether to reschedule the hearing or proceed.

F. Conduct of hearing

1. The special panel chairperson will preside at the hearing and decide procedural issues. Only persons participating in the proceeding may be present during the hearing except as otherwise provided in these procedures. The hearing will be conducted in the following sequence:
  - (a) Preliminary matters. The chairperson will introduce the parties, their counsel or advisors, and the special panel members; review the order of proceedings; explain procedures that govern use of the tape recorder; and present a brief summary of the complaint.
  - (b) Opening statements. The party who requested the hearing may make an opening statement. The responding party may then make an opening statement. Each opening statement shall not exceed 15 minutes.



- (c) Presentation of complaint. The party who requested the hearing may present to the panel testimony, witnesses, documents or other evidence. Following the testimony of the party who requested the hearing, and of each witness, the responding party may ask questions.
  - (d) Response to complaint. The party who responded to the complaint may present testimony, witnesses, documents or other evidence to the panel. Following the testimony of the responding party, and of each witness, the party who requested the hearing may ask questions.
  - (e) Closing statements. The party who requested the hearing may make a closing statement. The responding party may then make a closing statement. Each closing statement shall not exceed 15 minutes.
- 2. Special panel members may ask questions of parties or witnesses at any time during the hearing.
  - 3. The hearing will not be conducted according to strict rules of evidence. However, the special panel chairperson may limit or exclude irrelevant or repetitive testimony, and may otherwise rule on what evidence may be offered. To determine whether a persistent pattern of harassment exists, the special panel may request that appropriate University officials (in consultation with the Office of the Vice President and General Counsel) provide evidence of prior written reprimands and/or sanctions imposed against the Respondent based on past incidents of sexual harassment as a part of the hearing record.
  - 4. When the hearing cannot be completed in one session, the special panel chairperson may continue the hearing to a later date and time.
  - 5. The hearing will be recorded on audiotape. Either party may obtain from the AVPHR a copy of the recording at reasonable cost, on written request.

G. Witnesses

- 1. Each party (and the panel) may ask witnesses to testify at the hearing, but no person may be compelled to testify. However, each party shall have a right to know prior to the hearing the contents of and the names of the authors of any written statements that may be introduced against him or her, and the right to rebut unfavorable inferences that might be drawn from such statements.
- 2. At least three business days before the hearing, each party must provide the chairperson, the AVPHR and the other party a list of witnesses he or she

intends to present at the hearing.

3. The special panel may request that additional witnesses appear. The AVPHR will, if feasible, arrange for the appearance of these witnesses.
4. Each party is responsible for notifying its witnesses of the hearing date, time, and location. A hearing will not necessarily be postponed because a witness fails to appear.
5. In identifying persons to appear as witnesses, parties should be aware that live testimony is preferred and that the panel may give less weight to the evidence of a witness who is able but unwilling to appear.
6. All witnesses (except for the Complainant and the Respondent) will be excluded from the hearing before and after their testimony. A witness may be recalled at the discretion of the special panel chairperson.
7. A University employee must obtain permission from his or her supervisor to be absent from work to appear at a hearing. Employees will be paid for reasonable time spent while preparing for or while appearing at a hearing during working hours, but not for other time spent on the complaint during or outside working hours.
8. A student must obtain permission from his or her professor to be absent from class to appear at a hearing.
9. Supervisors and professors should be aware of the importance of hearings and not unreasonably withhold permission to appear at a hearing. If an employee or student needs assistance in obtaining permission to appear at a hearing, he or she should contact the AVPHR.

Formatted: Strikethrough

Formatted: Strikethrough

#### H. Advisors

Formatted: Space After: 0 pt

1. The University shall constitute a committee consisting of faculty with law degrees willing to advise pro bono either party to a sexual harassment complaint during the formal hearing. If a pro bono attorney is not available, the University shall provide an attorney-adviser at its expense upon request of a party.
2. Each party may be accompanied by not more than two advisors, who may be University employees or other persons the party selects; provided that not

more than one of the advisors shall be acting in an attorney capacity.

- 2.3. No advisor, including an attorney who may be acting as an advisor, may speak on behalf of the party, make an opening or closing statement, present testimony or examine witnesses. The advisor's role is limited to assisting the party to prepare for the hearing and providing the party private advice during the hearing.
- 3.4. A Complainant or Respondent who plans to be accompanied by an attorney or other advisor at the hearing must notify the panel chairperson and the other party at least five business days before the hearing.
- 4.5. The special panel may request or the University may provide a University-furnished attorney or other advisor to be present at any hearing to advise the special panel.
- 5.6. The University may have an observer present at any hearing.

Formatted: No underline, Strikethrough

Formatted: Underline

#### I. Decision after hearing

1. After the hearing, the special panel will meet in closed session to review the hearing and make a decision on the complaint. In order to make a determination that sexual harassment occurred, the decision must be supported by the preponderance of the evidence and approved by a majority of the special panel members.
2. The special panel's report of its decision must be in writing and set forth findings of fact, conclusions, and, where appropriate, recommendations for corrective or disciplinary action that are approved by a majority of the special panel members.
3. The special panel will submit the report of its decision to the AVPHR within ten business days after the hearing ends. The AVPHR shall send a copy of the special panel report to the Complainant and to the Respondent (at their home addresses of record, by courier, overnight mail or certified mail, return receipt requested) except for portions that the University is required by law to treat as confidential. The AVPHR shall also send copies of the special panel report to the responsible University officials, including the vice president(s) responsible for oversight of the status group(s) to which the parties belong.
4. If the special panel concludes that sexual harassment occurred, the AVPHR

Deleted: t

will forward a copy of the special panel report to a University official responsible for implementing corrective or disciplinary action. After reviewing the special panel report, a responsible University official will decide whether to impose corrective or disciplinary action, consistent with that official's authority. A responsible University official will notify the parties in writing of the disposition, and the basis for that disposition.

**Deleted:** A responsible University official shall ordinarily send a copy of the special panel report to the parties (at their home addresses of record, by courier, overnight mail or certified mail, return receipt requested) except for portions that the university is required by law to treat as confidential.

J. Review of special panel decision

1. A party dissatisfied with a special panel decision may submit a request for review to the AVPHR, who will transmit the request to the vice president(s) responsible for oversight of the status groups to which the parties belong. For example, when the Complainant is a staff member and the Respondent a faculty member, the AVPHR and the Executive Vice President for Academic Affairs will jointly review the matter; when Complainant and Respondent are both faculty members, the Executive Vice President for Academic Affairs will review the matter.
2. The request for review must be in writing and set forth reasons why the special panel decision should be modified or overturned. The request for review must be based on the hearing record and may not present new evidence or testimony.
3. The request for review must be submitted within 15 business days after the party's receipt of the special panel decision. If the request is not received by then, the special panel decision will be the final University decision on the complaint.
4. The Vice President(s) will strive to issue a final decision on the review, based on the hearing record, within 20 business days following submission of the request for review. The decision of the Vice President(s) shall be the final decision on the complaint within the University.
5. When a special panel decision that includes a finding of sexual harassment is

final, or when the final decision on a review is issued, the AVPHR will provide a copy of it to the University official(s) responsible for implementing corrective or disciplinary action. Any corrective or disciplinary action taken shall be within the discretion and consistent with the authority of the responsible University official. A range of relevant considerations should be taken into account in determining the extent of sanctions, such as the severity of the offense, the effect of the offense on the victim and on the University community, and the Respondent's record of past offenses, if any. Respondent will be promptly notified of the outcome.

**Deleted:** the consequences of the sanction to the Respondent.

6. A responsible University official shall send a copy of the final decision to the parties (at their home addresses of record, by courier, overnight mail or certified mail, return receipt requested) except for portions that the university is required by law to treat as confidential.

**Deleted:** ordinary

**A RESOLUTION ON FACULTY AND STAFF COMPENSATION INCREASES AND  
COMPENSATION POLICY (05/2)**

- Whereas, Article IX of the Faculty Code states that "The regular, active-status faculty shares with the officers of the administration the responsibility for the effective operation of the departments and schools of the University as a whole...[and] participates in the formulation of policy and planning decisions affecting the quality of education and life at the University"; and
- Whereas, the quality of education and life at the University is inextricably linked to the quality of the faculty and staff which form its core, and compensation policy is crucial to maintaining that quality; and
- Whereas, in recognition of this link between personnel and University quality, the administration has repeatedly expressed support for Faculty Senate Resolution 87/1, which calls for the University to "make annual increments to faculty salaries designed to achieve as soon as possible, and to maintain, for all ranks ... [the] 80<sup>th</sup> percentile" and "for all ranks in each school and college no less than ... [the] 60<sup>th</sup> percentile" on the American Association of University Professors' scale for Category I institutions; and
- Whereas, the May 9, 2005 presentation by the Executive Vice President and Treasurer has clearly demonstrated that the University has fallen unacceptably behind in this commitment for most of the academic ranks; and
- Whereas, the University faculty has been largely excluded from any of the planning decisions that have led to the University's current financial circumstances~~this unfortunate set of circumstances~~; including, among other factors:
- a) rapid increases in the University's total debt and debt-to-endowment ratio;
  - b) rapid growth in the University's enrollment without corresponding increases in its full-time faculty or its classroom inventory;
  - c) heavy reliance on tuition revenues due to endowment management performance and fundraising efforts that have lagged behind many of the University's peer institutions; and
- Whereas, at the May 9, 2005, special Senate meeting, faculty and staff were presented with a proposal which seeks to (1) defer their compensation increase by six months – for the 3<sup>rd</sup> time – and (2) change the date on which salary increases are awarded to a calendar-year rather than an academic-year basis; and
- Whereas, the administration's justification for the salary deferral is based on questionable assumptions; and
- Whereas, the Faculty Senate is not persuaded by the administration's position that the University's fiscal situation does not permit an allocation of an additional \$2.2 million to compensate faculty and staff at a 4% annual level, rather than the proposed 3%, given an over-all University budget of approximately \$400 million; NOW, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON  
UNIVERSITY

1. That the Faculty Senate Committee on Fiscal Planning and Budgeting and the administration jointly develop, for presentation to the Senate no later than the December, 2005, Senate meeting, a three-year plan for attaining the 80<sup>th</sup> percentile goal (and for ensuring that each school is above the 60<sup>th</sup> percentile), with semi-annual reports to the Faculty Senate which are to specify (1) progress toward attaining those objectives, and (2) the expected average faculty and staff salary increases for the upcoming academic year; and
2. That the University administration be directed to be more transparent, on an ongoing basis, with the Fiscal Planning and Budgeting Committee with regard to the University's fiscal situation to ensure that the faculty is not presented with subsequent fiscal deficits for which they and the staff will be expected to sacrifice without having been involved in the fiscal planning; and
3. That the Board of Trustees be requested to invite the Chair of the Senate Committee on Fiscal Planning and Budgeting to serve as an ex-officio, non-voting member of the Board of Trustees Committee on Finance & Audit; and
4. That the Faculty Senate unequivocally *opposes* any compensation plan that would defer annual salary increases for staff and faculty, regardless of the questionable possibility that greater increases might accrue to some individuals in the long-term ; and
5. That the Faculty Senate recommends an average compensation increase of no less than 4%, effective July 1, 2005.

Executive Committee of the Faculty Senate  
May 12, 2005

Adopted, as amended, May 13, 2005

**A RESOLUTION TO ENDORSE THE GEORGE WASHINGTON UNIVERSITY  
STATEMENT OF ETHICAL PRINCIPLES (05/3)**

- WHEREAS,** the University Administration has proposed to adopt a "Statement of Ethical Principles" covering trustees, senior officials, faculty, staff and others acting on the University's behalf, and the Administration has requested the Faculty Senate's recommendations on the proposed Statement; and
- WHEREAS,** the Faculty Senate understands that the Statement of Ethical Principles is intended to set forth aspirational guidelines for conduct and is not intended to provide an independent basis for imposing sanctions or taking other disciplinary actions against faculty members; and
- WHEREAS,** the Statement of Ethical Principles expressly refers to established policies and procedures adopted by the University with the Faculty Senate's advice and endorsement;
- WHEREAS,** the Faculty Senate understands that the Statement of Ethical Principles is not intended to supersede or modify any of the established policies or procedures of the University, including without limitation the Faculty Code, the Faculty Organization Plan and the Faculty Handbook; and
- WHEREAS,** the Faculty Senate's Committee on Professional Ethics and Academic Freedom has reviewed the proposed Statement of Ethical Principles and has endorsed the Statement (with modifications) in the form attached to this Resolution as Exhibit A; and
- WHEREAS,** the Faculty Senate believes that it would be desirable for the University to adopt a Statement of Ethical Principles in the form attached hereto as Exhibit A, subject to the Faculty Senate's understandings set forth above concerning the intent and application of the Statement; **NOW,  
THEREFORE**

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE  
WASHINGTON UNIVERSITY:**

- (1) That the Faculty Senate endorses the "The George Washington University Statement of Ethical Principles," in the form attached to this Resolution as Exhibit A, as a statement of aspirational guidelines for the conduct of trustees, senior officials, faculty members, staff and others acting on the University's behalf; and
- (2) That the Faculty Senate expresses its specific understandings that
  - (a) the Statement of Ethical Principles does not provide an



independent basis for imposing sanctions or taking other disciplinary actions against faculty members, and (b) the Statement of Ethical Principles does not supersede or modify any of the established policies or procedures of the University, including without limitation the Faculty Code, the Faculty Organization Plan and the Faculty Handbook; and

- (3) That the Faculty Senate understands and expects that any proposal to make substantive changes to the Statement of Ethical Principles will be presented to the Faculty Senate for its review and recommendations in keeping with the procedures leading to the adoption of this Resolution.

Faculty Senate Committee on Professional Ethics and Academic Freedom  
November 1, 2005

Adopted, with the Statement of Ethical Principles (Exhibit A) as amended,  
December 9, 2005

# Exhibit A

Faculty Senate's 12/9/05 Changes to PEAFC Committee Proposed Draft 11/1/05

## [DRAFT--DISCUSSION DOCUMENT GW STATEMENT OF ETHICAL PRINCIPLES]

### STATEMENT OF ETHICAL PRINCIPLES

The George Washington University dedicates itself to furthering human well-being. To do this, GW must maintain the confidence of the local, national, and worldwide communities. For GW to maintain this confidence, trustees, senior officials, faculty, principal investigators, staff, student employees, and others acting on behalf of The George Washington University should strive to maintain the highest level of ethics in all of their actions on behalf of the University, and must comply with GW policies as well as external laws and regulations. This Statement of Ethical Principles sets forth standards of ethical conduct to which all persons acting on the University's behalf should aspire. The Statement should be used as a general guide in making ethical decisions in all situations, especially those where the "right" answer is not always clear.

These standards are intended to provide a summary of ethical principles of conduct and to encourage each of us to maintain heightened awareness of their existence. These Principles are also stated, clarified and implemented in several separate policies and procedures of the University. Violations of GW policies will be subject to disciplinary action as provided in those policies. Please see [www.policy.gwu.edu](http://www.policy.gwu.edu) for the latest full listing of GW policies.

#### Integrity and Respect

The GW community is diverse -- in race, background, age, religion, and in many other ways. The personal actions of each community member establish and maintain the culture of tolerance and respect for which we strive. The University is committed to free inquiry, free expression, and the vigorous discussion and debate on which the advancement of its educational mission depends. At the same time, trustees, senior officials, faculty, principal investigators, staff, student employees, and others acting on behalf of the University should respect the rights and dignity of others regardless of their differences, and must conscientiously comply with nondiscrimination policies adopted by the University.

Dele

#### Responsibility and Accountability

GW trustees, senior officials, faculty, principal investigators, staff, student employees, and others acting on behalf of the University should assume and exercise responsibility appropriate to their positions and roles. We are accountable to each other, to the University, and to ourselves for our actions and our decisions not to act. When roles or responsibilities are unclear, we should take it upon ourselves to obtain clarity. We should exercise sound professional judgment in the

Dele  
racial  
our c

Dele

Dele

performance of our responsibilities, to the best of our ability.

| Conflicts of  
Interest and  
Commitment

All trustees, senior officials, faculty, principal investigators, staff, student employees, and others acting on behalf of the University hold positions of trust, and should conduct their activities accordingly. Activities that impair or appear to impair the ability to perform our duties or affect independence and objectivity of judgment in the discharge of our responsibilities to the University should be avoided. We should demonstrate sensitivity in identifying potential conflicts of interest, whether of a financial, personal, or professional nature. Conflicts of interest must be disclosed, reviewed, and appropriately managed or eliminated, in accordance with the reporting and other provisions of applicable University policies.

Dele

| Harassment and  
Abuse of Power

GW supports an environment in which harassment of others is not tolerated. Trustees, senior officials, faculty, principal investigators, staff, student employees, and others acting on behalf of the University may not use positions of authority to violate or to influence others to violate laws, regulations or University policies.

Dele

| Stewardship

As stewards of University resources, all trustees, senior officials, faculty, principal investigators, staff, student employees, and others acting on behalf of the University have a responsibility to ensure that all University resources are used prudently, ethically, and for their designated purposes. We have a responsibility to contributors to the University, including federal, state, and local governments, to treat University property with care, and to expend funds prudently. We should avoid waste and improper use, and should not use tangible or intangible University assets, funds, property, or facilities for our personal benefit or for the benefit of a non-University organization without proper approval. Our acts should reflect the recognition of a special obligation to use University property responsibly and consistent with the tax-exempt status conferred on the University in light of its educational, research, and service missions. It is imperative that those with access to confidential, proprietary, or private information not make unauthorized disclosures or use of this information.

Dele

| Reporting

All trustees, senior officials, faculty, principal investigators, staff, student employees, and others acting on behalf of the University are expected to report violations of laws, regulations or University policies to appropriate University officials, e.g., the employee's dean, department chair or other supervisor, senior University administrator, University Compliance &

Dele

Privacy Office, or Office of General Counsel. Confidentiality of individuals reporting violations of these standards will be maintained to the extent possible.

Portions of this Statement of Ethical Principles were derived from similar statements adopted by Cornell University and Yale University, and are used with their permission, which GW gratefully acknowledges.

**A RESOLUTION TO ENDORSE TECHNICAL AMENDMENTS TO THE  
DISCLOSURE FORMS FOR FACULTY MEMBERS AND INVESTIGATORS  
UNDER THE GEORGE WASHINGTON UNIVERSITY POLICY ON  
CONFLICTS OF INTEREST AND COMMITMENT (05/4)**

**WHEREAS**, in Resolution 04/6 the Faculty Senate endorsed the University's adoption of two revised disclosure forms to be submitted, pursuant to the University's Policy on Conflicts of Interest and Commitment, by (1) faculty members and Investigators in connection with their annual reports to the University, and (2) faculty members and Investigators in connection with proposals for external funding (hereinafter "Disclosure Forms"); and

**WHEREAS**, the University Administration has proposed certain technical amendments to the Disclosure Forms, particularly with regard to gifts received by faculty members and Investigators from persons who may have business dealings with, or may be competitors of, the University;

**WHEREAS**, the Faculty Senate Committee on Professional Ethics and Academic Freedom has reviewed and endorsed (with modifications) technical amendments to the Disclosure Forms as shown on the forms attached to this Resolution as Exhibits A and B; and

**WHEREAS**, the Faculty Senate believes that the technical amendments to the Disclosure Forms shown on Exhibits A and B are consistent with the best interests of the University and its faculty; **NOW THEREFORE**

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE  
WASHINGTON UNIVERSITY:**

- (1) That the Faculty Senate hereby endorses technical amendments to the Disclosure Forms submitted by faculty members and Investigators pursuant to the University's Policy on Conflicts of Interest and Commitment, as shown on the forms attached to this Resolution as Exhibits A and B; and
- (2) That the Faculty Senate understands and expects that future proposed amendments to the Disclosure Forms and the Policy will be presented to the Faculty Senate for its review and recommendations in keeping with the procedures followed in connection with the adoption of this Resolution.

Faculty Senate Committee on Professional Ethics and Academic Freedom  
November 1, 2005

Adopted, December 9, 2005

# Exhibit BA

Page 1 of 8

## PEAF Committee Proposed Changes 11/1/05

### Annual Faculty Member and Investigator Financial Interest Disclosure Form

#### Pursuant to The George Washington University Policy on Conflicts of Interest and Commitment for Faculty and Investigators (May 14, 2004)

The Faculty Senate and the Board of Trustees approved an updated University-wide *Policy on Conflicts of Interest and Commitment for Faculty and Investigators* in May 2004. The full policy is available at [my.gwu.edu/files/policies/ConflictofInterestandcommitment.pdf](http://my.gwu.edu/files/policies/ConflictofInterestandcommitment.pdf). The policy requires that each faculty member and investigator complete this form yearly.

The purpose of this form is to assist faculty, investigators, and the University in the identification of potential and actual conflicts of interest and to support compliance with applicable government regulations. Because of the complexities of The George Washington University, it is not unusual for an employee to respond affirmatively to one or more of the following questions. An affirmative response in no way implies that a conflict of interest necessarily exists or, if it does, that it cannot be managed. Please be assured that responses to this questionnaire may be submitted on a confidential basis and will be held strictly in confidence. Responses requiring further clarification will be brought to your immediate attention.

Faculty Member or Investigator Name: \_\_\_\_\_

Department/Unit: \_\_\_\_\_

College/Unit: \_\_\_\_\_

### **PART I (To be completed by all Faculty and Investigators)**

#### **A. Definitions**

The term *significant financial interest* means

(1) any stock, stock option, or similar ownership interest in an outside entity by the Faculty Member or Investigator that, alone or together with interests of immediate family members, is valued at least at the lesser of \$10,000 or five percent of the total ownership interests in the outside entity, excluding any interest arising solely by reason of investment by a mutual, pension, or other institutional investment fund over which neither the Faculty Member, Investigator nor any immediate family member exercises control; or

(2) receipt, individually or collectively by a Faculty Member, Investigator and immediate family members of, or the right or expectation to receive, income, whether in the form of a fee (e.g.,

consulting), salary, allowance, forbearance, forgiveness, interest in real or personal property, dividend, royalty derived from the licensing of technology or other processes or products, rent, capital gain, real or personal property, or any other form of compensation, or any combination thereof, that over the last 12 months exceeded or over the next 12 months is expected to exceed \$10,000 in income of all types; or

(3) that the Faculty Member, Investigator, immediate family member or close family member provides services as a principal investigator for, or holds a management position in, an outside entity; or

(4) that a close family member holds an ownership interest in an outside entity or has a right to receive income from an outside entity, if such ownership interest or right to receive income would be treated as a "significant financial interest" with respect to a Faculty Member or Investigator under (1) or (2), above.

*Significant financial interest* does not include: (1) salary, royalties or other remuneration from the University; (2) income from seminars, lectures, or teaching engagements sponsored by public or non-profit entities; or income from service on advisory committees or review panels for public or non-profit entities.

*The George Washington University (and University)* means The George Washington University and any entity owned in whole or in part, directly or indirectly, or controlled by the University, including the Medical Faculty Associates (MFA) and any joint venture.

*Gifts* are gratuities of money, property, services, or out-of-home entertainment. *Gifts* do not include honoraria (e.g., remuneration or gifts-in-kind) received in connection with (1) participation in seminars, lectures, or teaching engagements sponsored by public or non-profit entities, ~~or~~ (2) service on advisory committees or review panels for public or non-profit entities, or (3) reviewing or other advisory services provided to publishers. Usual and customary business dinners, lunches, and outings are not considered gifts provided there is a business, educational, or non-profit fundraising component. Small items marked with corporate logos also are not considered gifts. Gifts of money can never be accepted.

*Immediate family member* includes an employee's spouse/domestic partner and dependent children.

*Close family member* includes an employee's non-dependent children, as well as father, mother, sisters and brothers of the employee and the employee's spouse/domestic partner.

*Material conflict of interest* means a conflict of interest that has the potential (i) to influence a person's decisions or conduct or (ii) to have a non-trivial impact on the financial situation of a person or an entity in which that person or an immediate family member has a significant financial interest.

*To your knowledge* means your actual knowledge or knowledge that you should reasonably be expected to have based on information that has been provided to you or is in your possession. *To your knowledge* does not imply a duty to make inquiries to discover facts



that are not known to you or to obtain information that has not been provided to you or is not in your possession.

**B. Certification as to Employee and Immediate Family Members**

1. Do you have, or does any immediate family member have, any of the relationships, transactions, activities, or financial interests described below in subparagraphs (a) through (h)?

(a) An outside entity in which you have or an immediate family member has a significant financial interest has made, or will make, a gift to The George Washington University of cash or property that will be under your control or will directly support your teaching or research activities.

(b) You have or an immediate family member has a significant financial interest in the proposed or current sponsor of, or a proposed or current subcontractor, vendor, or collaborator for, a sponsored project involving The George Washington University.

(c) You have an actual or proposed technology licensing or commercialization arrangements with an outside entity in which you have or an immediate family member has a significant financial interest and where those arrangements might reasonably be perceived as involving or creating the appearance of a material conflict of interest with your appointment at The George Washington University.

(d) You are or will be personally involved in, or you have or will have the ability to influence the formation or implementation of, a transaction in which The George Washington University, directly or indirectly, is procuring or will procure property, goods or services from an outside entity in which you have or an immediate family member has a significant financial interest.

(e) The design, conduct or reporting of your current or proposed externally funded research at The George Washington University does impact or will foreseeably impact a significant financial interest that you hold or an immediate family member holds in an outside entity.

(f) You are or an immediate family member is a director, officer, sole owner, partner, employee, agent, consultant, or advisor of a business enterprise that to your knowledge supplies The George Washington University with any property, goods, or services.

(g) You have or an immediate family member has a significant financial interest in a business enterprise (excluding any investment representing less than 1



percent of the total equity of a publicly traded entity) that to your knowledge supplies The George Washington University with any property, goods, or services.

(h) You are a director, officer, sole owner, partner, employee, agent, consultant, or advisor of, or you have a significant financial interest in, a business enterprise (other than The George Washington University) that to your knowledge engages in the business of higher education or the delivery of patient care services.

Yes \_\_\_\_\_ No \_\_\_\_\_

2. In the past 12 months, to the best of your knowledge, have you or has any immediate family member received a loan of money, property, or services in the amount of \$250 or more (excluding any loan from a bank or other financial institution), or received a gift of money; in any amount or a gift of property, services, or out-of-home entertainment with a value exceeding \$100250, from a business enterprise that to your knowledge supplies property, goods, or services to The George Washington University?

Yes \_\_\_\_\_ No \_\_\_\_\_

3. In the past 12 months, to the best of your knowledge, have you received a loan of money, property, or services in the amount of \$250 or more (excluding a loan from a bank or other financial institution), or received a gift of money; in any amount or a gift of property, services, or out-of-home entertainment with a value exceeding \$100250, from a business enterprise (other than The George Washington University) that engages in the business of higher education or patient care services?

Yes \_\_\_\_\_ No \_\_\_\_\_

4. Do you have, or does any immediate family member have, any other relationships, transactions, activities, or financial interests that might reasonably be perceived as involving, or creating the appearance of, a material conflict of interest with your appointment at The George Washington University?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer to any of the above Questions 1-4 is Yes, please give details, including identifying the business enterprise(s) and describing your or your immediate family member's relationship to it, as well as the approximate value of any income or financial interest, loan or gift. (Where more space is required for your answers, please attach additional pages to this questionnaire.)

\_\_\_\_\_  
\_\_\_\_\_

---

---

---

---

---

---

**C. Certification as to Employee and Close Family Members**

1. To your knowledge, do you have or does any close family member have any of the relationships, transactions, activities, or financial interests described below in subparagraphs (a) through (g)?

-

(a) An outside entity in which a close family member has a significant financial interest has made, or it will make, a gift to The George Washington University of cash or property that will be under your control or will directly support your teaching or research activities.

(b) A close family member has a significant financial interest in the proposed or current sponsor of, or a proposed or current subcontractor, vendor, or collaborator for, a sponsored project involving The George Washington University.

(c) You have an actual or proposed technology licensing or commercialization arrangements with an outside entity in which a close family member has a significant financial interest and where those arrangements might reasonably be perceived as involving or creating the appearance of a material conflict of interest with your appointment at The George Washington University.

(d) You are or will be personally involved in, or you have or will have the ability to influence the formation or implementation of, a transaction in which The George Washington University is procuring or will procure property, goods, or services from an outside entity in which a close family member has a significant financial interest.

(e) The design, conduct or reporting of your current or proposed externally funded research at The George Washington University does impact or will foreseeably impact a significant financial interest that a close family member holds in an outside entity.

(f) A close family member is a director, officer, sole owner, partner, employee, agent, consultant, or advisor of a business enterprise that to your knowledge supplies The George Washington University with any property, goods, or services.

(g) A close family member has a significant financial interest in a business enterprise (excluding any investment representing less than 1 percent of the total equity of a publicly traded entity) that to your knowledge supplies The George Washington University with any property, goods, or services.

Yes \_\_\_\_\_ No \_\_\_\_\_

2. In the past 12 months, to your knowledge, has a close family member received a loan of money, property, or services in the amount of \$250 or more (excluding any loan from a bank or other financial institution), or received a gift of money in any amount or a gift of property, services, or out-of-home entertainment with a value exceeding \$100250, from a business enterprise that to your knowledge supplies The George Washington University with any property, goods, or services?

Yes \_\_\_\_\_ No \_\_\_\_\_

3. To your knowledge, does a close family member have any other relationships, transactions, activities, or financial interests connected to The George Washington University that might reasonably be perceived as involving, or creating the appearance of, a material conflict of interest with your appointment at The George Washington University?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer to any of the above Questions 1-3 is Yes, please give details, including identifying the business enterprise(s) and describing your close family member's relationship to it, as well as the approximate value of any income or financial interest, loan or gift. (Where more space is required for your answers, please attach additional pages to this questionnaire.)

---

---

---

---

---

---

---

---

I certify that all of the foregoing information in **PART I** is true and complete to the best of my knowledge.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Full Name (Printed)

\_\_\_\_\_  
Position Title

**PART II (To be completed by University officials)**

**Department Chair/Unit Head – Comments and Recommended Actions**

\_\_\_\_\_ To the best of my knowledge, there is no perceived or inappropriate activity or conflict.

\_\_\_\_\_ I have reviewed this disclosure and recommend the following actions be taken:

\_\_\_\_\_  
Printed Name and Signature

\_\_\_\_\_  
Date

**College Dean/Director – Comments and Recommended Actions**

\_\_\_\_\_ To the best of my knowledge, there is no perceived or inappropriate activity or conflict.

\_\_\_\_\_ I have reviewed this disclosure and recommend the following actions be taken:

\_\_\_\_\_  
Printed Name and Signature

\_\_\_\_\_  
Date

**Executive Vice President for Academic Affairs – Comments and Approval**

\_\_\_\_\_ To the best of my knowledge, there is no perceived or inappropriate activity or conflict.

\_\_\_\_\_ I have read the Financial Interest Disclosure and, if provided, the plan to manage, reduce or eliminate any actual, potential, or apparent conflict of interest. I approve of the Management Plan.

\_\_\_\_\_  
Printed Name and Signature

\_\_\_\_\_  
Date

## Exhibit B

### PEAF Committee Proposed Revisions 11/01/05

### Proposal-Specific Investigator Financial Interest Disclosure Form

#### **Pursuant to The George Washington University Policy on Conflicts of Interest and Commitment for Faculty and Investigators (May 14, 2004)**

The Faculty Senate and the Board of Trustees approved an updated University-wide *Policy on Conflicts of Interest and Commitment for Faculty and Investigators* in May 2004. The full policy is available at [my.gwu.edu/files/policies/ConflictofInterestandcommitment.pdf](http://my.gwu.edu/files/policies/ConflictofInterestandcommitment.pdf). Pursuant to the policy, persons responsible for the design, conduct, or reporting of University sponsored programs (hereinafter "Investigators") must complete this form for each proposal submitted for external funding.

The purpose of this form is to assist faculty, Investigators, and the University in the identification and management of potential and actual conflicts of interest and to support compliance with applicable government regulations. Because of the complexities of The George Washington University, it is not unusual for an employee to respond affirmatively to one or more of the following questions. An affirmative response in no way implies that a conflict of interest necessarily exists or, if it does, that it cannot be managed. Please be assured that responses to this questionnaire may be submitted on a confidential basis and will be held strictly in confidence. Responses requiring further clarification will be brought to your immediate attention

**Faculty Member or Investigator Name:** \_\_\_\_\_

**Department/Unit:** \_\_\_\_\_

**Sponsor:** \_\_\_\_\_

**Title:** \_\_\_\_\_

### **PART I (To be completed by all Investigators)**

#### **A. Definitions**

The term *significant financial interest* means

(1) any stock, stock option, or similar ownership interest in an outside entity by the Faculty member or Investigator that, alone or together with interests of immediate family members, is

valued at least at the lesser of \$10,000 or five percent of the total ownership interests in the outside entity, excluding any interest arising solely by reason of investment by a mutual, pension, or other institutional investment fund over which neither the Faculty Member, Investigator nor an immediate family member exercises control; or

(2) receipt, individually or collectively by a Faculty Member, Investigator and immediate family members of, or the right or expectation to receive, income, whether in the form of a fee (e.g., consulting), salary, allowance, forbearance, forgiveness, interest in real or personal property, dividend, royalty derived from the licensing of technology or other processes or products, rent, capital gain, real or personal property, or any other form of compensation, or any combination thereof, that over the last 12 months exceeded or over the next 12 months is expected to exceed \$10,000 in income of all types; or

(3) that the Faculty Member, Investigator, immediate family member or close family member provides services as a principal investigator for, or holds a management position in, an outside entity; or

(4) that a close family member holds an ownership interest in an outside entity or has a right to receive income from an outside entity, if such ownership interest or right to receive income would be treated as a "significant financial interest" with respect to a Faculty Member or Investigator under (1) or (2), above.

*Significant financial interest* does not include: (1) salary, royalties or other remuneration from the University; (2) income from seminars, lectures, or teaching engagements sponsored by public or non-profit entities; or income from service on advisory committees or review panels for public or non-profit entities.

*The George Washington University (and University)* means The George Washington University and any entity owned in whole or in part, directly or indirectly, or controlled by the University, including the Medical Faculty Associates (MFA) and any joint venture.

*Gifts* are gratuities of money, property, services, or out-of-home entertainment. *Gifts* do not include honoraria (e.g., remuneration or gifts-in-kind) received in connection with (1) participation in seminars, lectures, or teaching engagements sponsored by public or non-profit entities, or (2) service on advisory committees or review panels for public or non-profit entities, or (3) reviewing or other advisory services provided to publishers. Usual and customary business dinners, lunches, and outings are not considered gifts provided there is a business, educational, or non-profit fundraising component. Small items marked with corporate logos also are not considered gifts. Gifts of money can never be accepted.

*Immediate family member* includes an Investigator's spouse/domestic partner and dependent children.

*Close family member* includes an Investigator's non-dependent children, as well as father, mother, sisters and brothers of the Investigator and the Investigator's spouse/domestic partner.

*To your knowledge* means your actual knowledge or knowledge that you should reasonably be expected to have based on information that has been provided to you or is in your possession. *To your knowledge* does not imply a duty to make inquiries to discover facts that are not known to you or to obtain information that has not been provided to you or is not in your possession.

**B. Certification as to Investigator and Immediate Family Members**

1. Do you have, or does any immediate family member have, any of the relationships, transactions, activities, or financial interests described below in subparagraphs (a) through (g)?

(a) An outside entity in which you have or an immediate family member has a significant financial interest has made, or will make, a gift to The George Washington University of cash or property that will be under your control or will directly support this sponsored project.

(b) You have or an immediate family member has a significant financial interest in the proposed or current sponsor of, or a proposed or current subcontractor, vendor, or collaborator for, this sponsored project.

(c) You have or an immediate family member has an actual or proposed technology licensing or commercialization arrangement with the proposed or current sponsor of, or a proposed or current subcontractor, vendor, or collaborator for, this sponsored project.

(d) You are or will be personally involved in, or you have or will have the ability to influence the formation or implementation of, a transaction to procure property, goods, or services for this sponsored project from an outside entity in which you have or an immediate family member has a significant financial interest.

(e) The design, conduct or reporting of this sponsored project does impact or will foreseeably impact a significant financial interest that you hold or an immediate family member holds in an outside entity.

(f) You are or an immediate family member is a director, officer, sole owner, partner, employee, agent, consultant, or advisor of a business enterprise that to your knowledge supplies or will supply The George Washington University with any property, goods, or services for this sponsored project.

(g) You have or an immediate family member has a significant financial interest in a business enterprise that to your knowledge supplies or will supply The



George Washington University with any property, goods, or services for this sponsored project.

Yes \_\_\_\_\_ No \_\_\_\_\_

2. In the past 12 months, to the best of your knowledge, have you or has any immediate family member received a loan of money, property, or services in the amount of \$250 or more (excluding any loan from a bank or other financial institution), or received a gift of money in any amount; or a gift of property, services, or out-of-home entertainment with a value exceeding \$100250, from: (a) a business enterprise that to your knowledge supplies property, goods, or services to The George Washington University, or (b) a business enterprise (other than The George Washington University) that engages in the business of higher education or patient care services, or (c) the sponsor of, or a subcontractor, vendor, or collaborator for, this sponsored project?

Yes \_\_\_\_\_ No \_\_\_\_\_

3. Do you have or does any immediate family member have any other relationships, commitments, or activities that might reasonably be perceived as involving, or creating the appearance of, a conflict of interest with respect to your involvement in this sponsored project?

Yes	No
-----	----

If your answer to any of the above Questions 1-3 is Yes, please give details, including identifying the business enterprise(s) and describing your or your immediate family member's relationship to it, as well as the approximate value of any income or financial interest, loan or gift. (Where more space is required for your answers, please attach additional pages to this questionnaire.)

[illegible]

---

**C. Certification as to Investigator and Close Family Members**

1. To your knowledge, do you have or does any close family member have any of the relationships, transactions, activities, or financial interests described below in subparagraphs (a) through (f)?

(a) An outside entity in which a close family member has a significant financial interest has made, or will make, a gift to The George Washington University of cash or property that will be under your control or will directly support this sponsored project.

(b) A close family member has a significant financial interest in the proposed or current sponsor of, or a proposed or current subcontractor, vendor, or collaborator for, this sponsored project.

(c) You are or will be personally involved in, or you have or will have the ability to influence the formulation or implementation of, a transaction to procure property, goods, or services for this sponsored project from an outside entity in which a close family member has a significant financial interest.

(d) The design, conduct or reporting of this sponsored project does impact or will foreseeably impact a significant financial interest that a close family member holds in an outside entity.

(e) A close family member has an actual or proposed technology licensing or commercialization arrangement with the proposed or current sponsor of, or a proposed or current subcontractor, vendor, or collaborator for, this sponsored project.

(f) A close family member is a director, officer, sole owner, partner, employee, agent, consultant, or advisor of, or has a significant financial interest in, a business enterprise that to your knowledge supplies or will supply The George Washington University with any property, goods, or services for this sponsored project.

Yes \_\_\_\_\_ No \_\_\_\_\_

2. In the past 12 months, to your knowledge, has a close family member received a loan of money, property, or services in the amount of \$250 or more (excluding any loan from a bank or other financial institution), or received a gift of money, in any amount or a gift of property, services, or out-of-home entertainment with a value exceeding \$100250, from: (a) a business enterprise that to your knowledge supplies property, goods, or services to the George Washington University, or (b) the sponsor of, or a subcontractor, vendor, or collaborator for, this sponsored project?

Yes \_\_\_\_\_ No \_\_\_\_\_

3. To your knowledge, does a close family member have any other relationships, transactions, activities, or financial interests that might reasonably be perceived as involving, or creating the appearance of, a conflict of interest with respect to your involvement in this sponsored project?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer to any of the above Questions 1-3 is Yes, please give details, including identifying the business enterprise(s) and describing your close family member's relationship to it, as well as the approximate value of any income or financial interest, loan or gift. (Where more space is required for your answers, please attach additional pages to this questionnaire.)

This image shows a blank sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

I certify that all of the foregoing information in **PART I** is true and complete to the best of my knowledge.

Signature \_\_\_\_\_

Date \_\_\_\_\_

---

Full Name (Printed)

---

**Position Title**

**PART II (To be completed by University officials)**

**Department Chair/Unit Head – Comments and Recommended Actions**

\_\_\_\_\_ To the best of my knowledge, there is no perceived or inappropriate activity or conflict.

\_\_\_\_\_ I have reviewed this disclosure and recommend the following actions be taken:

\_\_\_\_\_  
Printed Name and Signature

\_\_\_\_\_  
Date

**College Dean/Director – Comments and Recommended Actions**

\_\_\_\_\_ To the best of my knowledge, there is no perceived or inappropriate activity or conflict.

\_\_\_\_\_ I have reviewed this disclosure and recommend the following actions be taken:

\_\_\_\_\_  
Printed Name and Signature

\_\_\_\_\_  
Date

**A RESOLUTION ON PROCEDURE WITH RESPECT TO DELIBERATION AND  
DECISION ON THE 4X4 CURRICULUM (05/5)**

**WHEREAS,** pursuant to the Faculty Code, the regular active-status faculty shares with the administration responsibility for effective operation of the University and the formulation of policy and planning decisions affecting the quality of education, and

**WHEREAS,** consideration of a four credit hour/four course academic program is of central significance to the academic mission and reputation of the University and thus of major concern to the faculty, and

**WHEREAS,** it is the understanding of the Faculty Senate that the Task Force on the 4x4 program will produce a report during the Spring 2006 semester on their findings and recommendations on the efficacy of conversion of the GWU programs to a 4x4 system, and

**WHEREAS,** in keeping with Faculty Code prescribed principles of shared governance, it is the understanding of the Faculty Senate that the faculty will be fully involved in decisions pertaining to the 4x4; **NOW, THEREFORE,**

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON  
UNIVERSITY**

That the report and recommendations of the Task Force on the 4x4 be submitted concurrently to School faculties and the Faculty Senate for their full review, debate, and recommendation as soon as the Task Force completes its report.

Faculty Senate Executive Committee  
January 10, 2006

Adopted, January 20, 2006

A RESOLUTION ON ESTABLISHING CRITERIA FOR APPOINTMENTS,  
REAPPOINTMENTS, AND PROMOTION OF REGULAR, ACTIVE-STATUS FACULTY  
SERVING IN NON-TENURE-ACCRUING APPOINTMENTS (05/6)

- Whereas, Article IV of the Faculty Code and Part B of the Procedures for the Implementation of the Faculty Code confer upon the faculty of each school the responsibility to establish and publish criteria on which regular, active-status faculty appointments, reappointments and promotions will be based, and require the faculty of each department to establish and publish any additional criteria; and
- Whereas, Part B.2 of the Procedures for the Implementation of the Faculty Code requires that recommendations for faculty appointments, reappointments and promotions shall be made by the faculty members of the appropriate rank in each department or nondepartmentalized school, acting either as a committee of the whole or through a duly elected standing committee; and
- Whereas, Article IV.B.1 of the Faculty Code stipulates that “promotion shall be dependent upon professional competence as evidenced by teaching ability, productive scholarship, participation and leadership in professional societies, service to the University, and public service”; and
- Whereas, the Faculty Code offers no guidance as to whether regular, active-status faculty holding non-tenure-accruing appointments must be judged by criteria identical to those applied to faculty holding tenure-accruing appointments of the same rank within the same department or within a nondepartmentalized school in connection with decisions regarding appointment, reappointment, or promotion; and
- Whereas: it is in the best interests of all regular, active-status faculty to have explicitly-stated criteria governing appointments, reappointments and promotion; and
- Whereas, in the absence of such guidance in the Faculty Code, several schools of the University have proposed the creation of new position titles to provide for school-specific teaching and program development needs; and
- Whereas, it is in the best interests of the University that a universal set of faculty titles and ranks, as specified in Article I.B of the Faculty Code, be applicable across all academic units of the University; and
- Whereas, it is in the best interests of the University, as an integral part of the academy, to expect that all regular, active-status faculty will generate productive scholarship and disseminate existing knowledge through their teaching; and
- Whereas, teaching loads and service assignments for all regular, active-status faculty, including faculty holding non-tenure-accruing appointments, should be structured so that during the term of each appointment, consistent with the University’s needs, each regular, active-status faculty member has a reasonable opportunity to generate evidence of teaching ability and productive scholarship; and
- Whereas, it is not appropriate to appoint faculty members to regular, active-status positions with the accompanying faculty governance rights unless they are expected to be actively engaged in all of the key areas of teaching, productive research, and service to the University, professional societies and the public; and

Whereas, a new category of "special service" faculty designations should be authorized under the Faculty Code for full-time faculty members who are hired to meet special teaching or program administration or development needs within a department or school but who are not expected to be actively engaged in the generation of productive scholarship, and such "special service" faculty should not be granted faculty governance rights (similar to the treatment of research faculty, who do not possess faculty governance rights under Article I.B.4. of the Faculty Code); NOW THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

- (1) That the Faculty Code be amended by adding the following new subsection at the end of Article I.B.:

**5. Special Service:** Special service faculty may be appointed, upon recommendation of the appropriate faculty and officers of the administration, as teaching professor or program administrator or with such other special service faculty designation as may be approved by the Vice President for Academic Affairs, in order to fulfill special teaching or program administration or development needs. Such appointments do not provide tenure, and special service faculty are not expected to generate productive scholarship.

- (2) That the Faculty Code be further amended by adding the following new section after Article IV.A.5:

**6. Criteria and Procedures for Appointments, Reappointments, and Promotion of Regular, Active-Status Faculty Serving in Non-Tenure-Accruing Appointments**

Each school and each department (except in the case of nondepartmentalized schools) shall take the following actions with regard to appointments, reappointments, and promotion of regular, active-status faculty serving in non-tenure-accruing appointments:

- a) In accordance with this Article IV and Part B of the Procedures for the Implementation of the Faculty Code, the faculty of each of the foregoing units shall approve and publish the criteria to be applied in making decisions regarding appointments, reappointments, and promotion of regular, active-status faculty serving in non-tenure-accruing appointments. These criteria shall be based on the purpose(s) of the non-tenure-accruing appointments. Each letter of appointment for a regular, active-status faculty member serving in a non-tenure-accruing appointment shall include appropriate references to the criteria and purpose(s) applicable to such appointment.

- b) Decisions regarding appointments, reappointments, and promotion of regular, active-status faculty for non-tenure-accruing positions at a rank lower than the rank of professor may be based on published criteria that assign different weights to the factors of teaching ability, productive scholarship, and service to the University, professional societies and the public than the published criteria that would be applied to faculty members serving in tenure-accruing appointments in the applicable department or nondepartmentalized school; provided, however, that

- 1) none of the foregoing factors shall be assigned a weight of zero, and each regular, active-status faculty member serving in a non-tenure-accruing position shall be expected to generate evidence of teaching ability and productive scholarship; and

- 2) the weights to be applied to the foregoing factors shall be based on the purpose(s) of the particular non-tenure-accruing appointments, and such weights shall be explicitly stated in the applicable letters of appointment or reappointment; and

c) Decisions regarding appointments, reappointments, and promotion of regular, active-status faculty for non-tenure-accruing positions at the rank of professor shall be based on published criteria that are substantially comparable (though not necessarily identical) to the published criteria that would be applied to faculty members serving in tenure-accruing appointments in the applicable department or nondepartmentalized school.

d) Teaching loads and service assignments for all regular, active-status faculty in a department or nondepartmentalized school should be structured so that during the term of each appointment, consistent with the University's needs, each regular, active-status faculty member in that department or school has a reasonable opportunity to generate evidence of teaching ability and productive scholarship.

Committee on Appointment, Salary, and Promotion Policies  
February 24, 2006

Committee on Professional Ethics and Academic Freedom  
February 24, 2006

Adopted as amended, March 10, 2006



**Legislative History to Accompany**  
**A RESOLUTION ON ESTABLISHING CRITERIA FOR APPOINTMENTS,**  
**REAPPOINTMENTS, AND PROMOTION OF REGULAR, ACTIVE-STATUS FACULTY**  
**SERVING IN NON-TENURE-ACCRUING APPOINTMENTS (05/6)**

The Joint Subcommittee on Appointments, Reappointments and Promotion of Contract Faculty ("Joint Subcommittee") was commissioned by the Faculty Senate Executive Committee in accordance with the three following memoranda:

1. On February 4, 2004, Professor Lilien Robinson (Chair of the Faculty Senate Executive Committee) wrote to Professor Charles Garris (Chair of the Faculty Senate Committee on Appointment, Salary, and Promotion Policy, "ASPP") to request the ASPP Committee's consideration of, and recommendations for (among other issues), "formulation of policies on reappointment and promotion of contract faculty in programs without departmental affiliation."
2. On March 3, 2004, Professor Robinson wrote to Professor Garris as well as to Professor Ernest Englander (Chair of the Senate Committee on Professional Ethics and Academic Freedom, "PEAF") noting that "upon further discussion, our colleagues have come to the conclusion that it would be very helpful to have both the PEA and ASPP Committees address this matter. Accordingly, the Executive Committee recommends that you appoint a joint subcommittee to take on this project."
3. On July 16, 2004, newly-elected Chair of the Faculty Senate Executive Committee Professor Arthur Wilmarth, Jr., wrote to Professor Englander and Professor Sylvia Marotta (newly appointed Chair of the Senate Committee on Appointment, Salary, and Promotion Policy), with the request that the ASPP and PEA Committees "form a joint subcommittee to consider issues related to the appointment, promotion, reappointment, and general status of full-time contract faculty members. One particular issue is how status decisions should be made with respect to contract faculty who are not supervised by department chairs... It would be ideal if the subcommittee could include a mix of tenured and contract faculty..."

It was agreed by the Chairs of the ASPP and PEA Committees that the Joint Subcommittee need not be composed exclusively of ASPP and PEA members, but that there needed to be at least one member from each of the two Committees on the Joint Subcommittee. Professors Englander and Marotta canvassed the University Faculty to identify Faculty members who were interested in serving on the Joint Subcommittee. These included: Professors Englander and Marotta (co-chairs), and Professors Carayannis (GWSB), Chalofsky (GSEHD), Cherian (GWSB), Lornell (CCAS), Hilliard (GWSB), Mueller (GSEHD), Williams (GWSB) and Zink (University Writing Program). In consultation with EVPAA Lehman, two administrative Committee members were appointed: Dr. Jean Folkerts (representing the EVPAA) and Mr. Richard Weitzner, Associate General Counsel.

On October 11, 2004, Executive Committee Chair Wilmarth wrote Professors Englander and Marotta: "The Executive Committee has been advised of concerns that some contract faculty members are being hired with the expectation of carrying out primarily teaching and/or administrative duties while holding the same title (e.g., professor, associate professor, or assistant professor) as tenure-line faculty members or contract faculty members who are expected to fulfill a significant research component as part of their overall responsibilities. This practice has raised difficulties when contract faculty members who are appointed with such expectations are later considered for reappointment or promotion by faculty committees. Could you please ask your subcommittee to consider whether a separate designation should be used for full-time contract

faculty members who are expected to devote most of their efforts to teaching and/or administrative tasks?”

The Joint Subcommittee met throughout the Fall 2004 and Spring 2005 semesters and produced a draft resolution and an accompanying statement of legislative history. The Joint Subcommittee was reconstituted in October 2005, and its members included: Professors Murli Gupta (CCAS, and ASPP chair) and Wilmarth (PEAF chair), as co-chairs, and Professors Artz (GWSB), Chalofsky, Gamber (Univ. Writing Program), Hamner (SEAS), Mueller, and Wirtz (GWSB). On November 30, 2005, the Joint Subcommittee agreed on a proposed resolution and statement of legislative history, which built upon the excellent work done by the Joint Subcommittee during 2004-05. In December 2005, the ASPP and PEAf Committees met separately to discuss the Joint Subcommittee's proposal. As a result of those discussions, the ASPP and PEAf Committees held a joint meeting on January 24, 2006, to develop a consensus on these matters. As a result of these and subsequent deliberations, the ASPP and PEAf Committees reached the following conclusions:

1. Regular, active-status faculty holding non-tenure-accruing (“NTA”) appointments constitute more than one-fifth of the University's full-time faculty and are needed by the University to meet a variety of programmatic needs. In 2005, the University's 730 regular, active-status faculty members included 165 faculty members serving in NTA positions. Because of concerns about financial flexibility and the great dependence of the University on enrollment-related revenues, Executive Vice President for Academic Affairs Donald R. Lehman advised the participants that neither the Administration nor the Board of Trustees would accept a resolution requiring that all regular, active-status faculty must be appointed to tenure-accruing positions. Professor Walter Kahn (SEAS) noted that Article I.B.1. of the Faculty Code recognizes the legitimacy of regular, active-status faculty holding NTA appointments by providing that up to 25 percent of the regular, active-status faculty of any school, and up to 50 percent of the regular, active-status faculty of any department, may consist of NTA faculty. The Law School, School of Medicine and Health Sciences, and the College of Professional Studies are exempted from these Code requirements. Professor Art Wilmarth expressed his concern that the Graduate School of Education and Human Development and the School of Public Health and Health Services are not even close to complying with these Code requirements and both Schools have made little or no progress toward increasing their percentages of tenure-accruing faculty during the past several years. Other participants agreed with this concern and felt that the Faculty Senate should address these departures from the Faculty Code.
2. The Joint Subcommittee and the two Committees actively deliberated on whether separate titles should be designated for regular, active-status faculty members who are expected to devote most of their efforts to teaching and/or administrative tasks. After extensive discussion and review of the individual schools' needs, as well as a thorough review of the current provisions in the Faculty Code (notably Article IV, “Appointment, Reappointment, Promotion, and Tenure”), the Joint Subcommittee and the two Committees concluded that it would be far more advisable to draw on the *current* language of Article I.B.1. of the Faculty Code, which is sufficiently broad to allow the multiplicity of school-based needs to be met through *existing* titles, than to augment the Faculty Code with what would be a proliferation of new titles for regular, active-status faculty to accommodate the multiple, non-overlapping current needs (as well as unforeseen future needs) of the individual academic units.
3. The Joint Subcommittee and the two Committees were sensitive in their deliberations to the consequence of the foregoing conclusion -- namely, that identical titles (e.g., Assistant Professor) might carry different predominant responsibilities among regular, active-status faculty members across and within academic units. It was agreed that this flexibility is generally a strength (permitting dynamic response to the University's evolving needs on an academic unit basis) with respect to NTA positions below the rank of full professor. At the

rank of full professor, however, it was agreed that there should be a closer similarity between tenure-accruing and NTA faculty. Accordingly, it was determined that the criteria for appointments, reappointments and promotion to the rank of full professor for NTA faculty should be "substantially comparable (though not necessarily identical) to the criteria that would be applied to faculty members serving in tenure-accruing appointments in the applicable department or nondepartmentalized school."

4. The Joint Subcommittee recognized that, in promoting the flexibility of responsibilities for regular, active-status faculty holding NTA positions, as recognized in the accompanying Resolution, it is essential that academic units identify and articulate, in advance, the responsibilities of every regular, active-status faculty member serving in an NTA position, as is already done for tenure-accruing faculty (through the Bylaws of the individual academic units). Accordingly, the faculty of each academic unit must establish and publish the criteria for appointments, reappointments, and promotion of regular, active-status faculty holding NTA positions in accordance with Article IV of the Faculty Code and Part B.2. of the Procedures for the Implementation of the Faculty Code.
5. As reflected in the accompanying Resolution, every regular, active-status faculty member should contribute to the fulfillment of all areas of faculty responsibility within his or her respective department or nondepartmentalized school, including the areas of teaching and productive scholarship. Accordingly, the Resolution provides that, in making decisions regarding appointments, reappointments and promotion of regular, active-status faculty members in NTA positions, none of the areas of faculty responsibility should be assigned a weight of zero and each such faculty member should be expected to generate evidence of teaching ability and productive scholarship. In addition, the Resolution provides that teaching loads and service assignments should be structured so that during the term of each appointment, consistent with the University's needs, each regular, active-status faculty member has a reasonable opportunity to satisfy the foregoing expectations for teaching and scholarship.
6. The ASPP and PEAFF Committees agreed that a faculty position should not be classified as a regular, active-status position unless it includes an expectation of generating productive scholarship. In this regard, the two Committees concurred that faculty members should not receive faculty governance rights as regular, active-status faculty under the Faculty Code unless they are actively engaged in all of the key areas of teaching, scholarship and service. This conclusion is consistent with (i) Article I.B.4. of the Faculty Code, which does not grant "regular" status or the accompanying faculty governance rights to research faculty, because research faculty are not expected to engage in teaching, and (ii) Article IV.B.1. of the Faculty Code, which provides that promotion of regular, active-status faculty members "shall be dependent on professional competence as evidenced by teaching ability, productive scholarship, participation and leadership in professional societies, service to the University, and public service."
7. It was agreed that a new class of special service faculty designations should be authorized in the Faculty Code for full-time faculty members who are hired to fulfill special teaching or program administration or development needs in a department or school but who are not expected to generate productive scholarship. Such special service faculty should not be appointed to regular, active-status positions and should not receive faculty governance rights. Accordingly, it was agreed that a new category of "Special Service" faculty should be authorized under Article I.B. of the Faculty Code, and that this new category should include "teaching professors" and "program administrators" and such other special service faculty designations as are recommended by the faculty of a department or nondepartmentalized school and approved by the Executive Vice President for Academic Affairs.

The Joint Subcommittee also looked carefully into the question of possible "formulation of policies on reappointment and promotion of contract faculty in programs without departmental affiliation". In collaboration with the Faculty Senate Executive Committee, the Joint Subcommittee determined that the faculty associated with one Program -- the University Writing Program in the Columbian College of Arts and Sciences -- was, initially, without adequate protection under the Faculty Code. In the Joint Subcommittee's opinion, the Columbian College bylaws have since been amended to provide rights and protections for the faculty in that Program that conform to the rights and protections offered to all regular, active-status faculty under the Faculty Code. The Joint Subcommittee did not, therefore, recommend additional policies on appointment and promotion of contract faculty in programs without departmental affiliation.

Murli M. Gupta.  
Chair, ASPP Committee

Arthur E. Wilmarth, Jr.  
Chair, PEAFF Committee

February 24, 2006

## **A RESOLUTION ON LIBRARY ENDOWMENT FUNDS(05/7)**

- Whereas, The George Washington University aspires to “move solidly into the ranks of first-tier educational institutions” (Strategic Plan for Academic Excellence, Goal 1); and
- Whereas, the University further seeks to “strengthen GW’s infrastructure, including the University’s libraries” (Goal 5); and
- Whereas, neither goal can be attained without first-tier library resources; and
- Whereas, both endowments and university allocations are vital sources of funding for the libraries; and
- Whereas, funding for the Gelman Library System from both endowments and university allocations are significantly lower than libraries at peer institutions (see attachment # 1); and
- Whereas, surveys of faculty and students have consistently shown dissatisfaction with the depth and breadth of the collection of the Gelman Library (see attachment # 2 for faculty responses); and
- Whereas, it is in the interest of the Faculty Senate and the University that library resources available for research and instruction be of the highest quality;  
**NOW THEREFORE**

### **BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY**

1. That the University Administration request that the University Librarian provide a 5-year plan through which, by gradual increases in the library collection budget beginning in FY 2008, the collection budget will reach a level equal to the mean level of ARL libraries in GW’s market basket group; and
2. That the University Administration prepare an annual report for the Faculty Senate on its progress in meeting the goals set out in the 5-year plan provided by the University Librarian; and
3. That the University Administration further makes the Gelman Library System a high priority in fundraising in order to increase both funds for current use and the endowment for it so as to help meet the goals set out in Resolving Clause 1.

Faculty Senate Committee on Libraries  
March 31, 2006

Adopted, as amended, April 14, 2006

Introduced at the Faculty Senate meeting on April 14, 2006

**A RESOLUTION REGARDING THE UNIVERSITY BUDGET FOR FY 07 (05/8)**

**WHEREAS,**

Current University budget projections estimate a "gap" between revenues and expenses of \$8.2m for FY 07 and slightly larger gaps for FY 08 AND FY 09, indicating that the University is currently on an unsustainable path; and

**WHEREAS,**

These gaps have been the subject of intense and helpful discussions between the Faculty Senate and Administrative Officers; and

**WHEREAS,**

It seems appropriate to focus on closing the gap for FY 07, where the estimates are less speculative than for later years, noting that the gap is small relative to the total University revenue budget of some \$467m; and

**WHEREAS,**

There are a number of options for closing this gap, including devising enhanced revenues and/or changes in assumed/projected expenditures in different areas, including capital expenditures, general administrative expenses, student financial aid, and academic programs; and

**WHEREAS,**

The University faculty is deeply committed to improving or at least maintaining the quality of education provided to University students, and is troubled by recent trends in full-time faculty resources growing at a much slower rate(17%) than enrollments (60% for undergraduates) over the last ten years; and

**WHEREAS,**

Additional reductions in support for academic programs in FY 07 would inevitably lead to a reduction in the quality of education for University students, especially undergraduate students; and

**WHEREAS,**

Current projected transfers from the operating budget to capital expenditures and debt service for FY 07 exceed the amounts required by current University commitments,  
**NOW, THEREFORE**



**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY**

1. That the revenue/expense gap in the University budget for FY 07 should be closed without a reduction in support for academic programs, and
2. That non-academic cuts in expenses by which the gap in the University budget for FY 07 may be closed include:
  - A. Reducing projected transfer of funds from current revenues to capital spending and debt service by \$5 m
  - B. Deriving another \$3.2 m from:
    - 1) reductions in expenditures in Administrative Offices reporting to the Executive Vice President and Treasurer, and from
    - 2) increasing net revenues from Auxiliary Services
    - 3) reducing projected expenditures in the Office Student and Academic Support Services, including possible reductions in the discount rate for incoming students
3. That the projected university budget gaps for FY 08 AND FY 09 should be addressed:
  - Beginning in May 2006, by a budget process that includes full and active participation by representatives of the faculty designated by the Faculty Senate
  - Such process should include, starting in October, 2006 and continuing thereafter on a regular basis, reports to the Faculty Senate by the faculty representatives and the University Administration, covering both the status of the University budget for future years and the advantages and disadvantages of possible options to address any gaps in future years

Executive Committee of the Faculty Senate  
April 12, 2006

Adopted, April 14, 2006